

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Andrew Ridge	Team: Squad #5	CCRB Case #: 201902742	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/15/2018 5:24 PM	Location of Incident: [REDACTED]	Precinct: 78	18 Mo. SOL 9/15/2019	EO SOL 9/15/2019	
Date/Time CV Reported Fri, 03/29/2019 1:12 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 03/29/2019 1:12 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT Thomas Chan	01232	941535	078 PCT
2. POM Travis Grant	18031	960615	078 PCT
3. POM Kyrollos Ebraheem	05451	963500	078 PCT
4. An officer			Unknown

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Aleo	02276	963360	078 PCT
2. POM Jianyue Guo	06222	934979	078 PCT
3. POM Lisandro Pena	11685	952101	078 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Thomas Chan	Abuse: Sergeant Thomas Chan entered § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
B.SGT Thomas Chan	Force: Sergeant Thomas Chan used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Travis Grant	Force: Police Officer Travis Grant used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Kyrollos Ebraheem	Force: Police Officer Kyrollos Ebraheem used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
E. An officer	Force: An officer used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
F. An officer	Force: An officer hit § 87(2)(b) [REDACTED] against a wall.	[REDACTED]

### Case Summary

On March 29, 2019, § 87(2)(b) filed this complaint in person at the CCRB.

On March 15, 2018, at 5:24 p.m., § 87(2)(b) was inside her residence at § 87(2)(b) in Brooklyn, when Sergeant Thomas Chan of the 78<sup>th</sup> Precinct allegedly entered the apartment (**Allegation A: Abuse of Authority**, § 87(2)(g)). Sgt. Chan and Police Officers Travis Grant and Kyrollos Ebraheem, all from the 78<sup>th</sup> Precinct, and one additional officer, allegedly pushed § 87(2)(b) twice and held her against a wall (**Allegations B-D: Force**, § 87(2)(g); **Allegation E: Force**, § 87(2)(g)). An officer allegedly hit § 87(2)(b)'s head against a wall (**Allegation F: Force**, § 87(2)(g)).

The investigation did not obtain any video evidence.

§ 87(2)(b) did not provide any explanation for why she filed the complaint over a year after the incident date.

On June 6, 2019, this case was reassigned from Inv. Daniel Gavin to Inv. Andrew Ridge following Inv. Gavin's departure from the Agency.

### Findings and Recommendations

**Allegation A – Abuse of Authority: Sergeant Thomas Chan entered § 87(2)(b) in Brooklyn.**

**Allegation B–Force: Sergeant Thomas Chan used physical force against § 87(2)(b)**

**Allegation C–Force: Police Officer Travis Grant used physical force against § 87(2)(b)**

**Allegation D–Force: Police Officer Kyrollos Ebraheem used physical force against § 87(2)(b)**

**Allegation E–Force: An officer used physical force against § 87(2)(b)**

**Allegation F–Force: An officer hit § 87(2)(b) against a wall.**

§ 87(2)(b) recounted that she was at home with her home attendant, § 87(2)(b) when she heard knocking at her door (BR01). § 87(2)(b) opened the door a few inches. Sgt. Chan pushed the door fully open and about ten officers, including Sgt. Chan, PO Travis, and PO Ebraheem, entered the apartment. One of the officers told § 87(2)(b) that her upstairs neighbor, § 87(2)(b) alleged that she attempted to “cut” him. Sgt. Chan, PO Grant, PO Ebraheem, and an Asian male officer took hold of § 87(2)(b) and pushed her against the wall of the apartment causing her left arm between her elbow and shoulder to make contact with the wall. § 87(2)(b) could not describe specifically how the officers grabbed her. An officer then pushed § 87(2)(b)'s head against the wall. § 87(2)(b) did not see which officer pushed her head against the wall. An officer told § 87(2)(b) to stay put, but § 87(2)(b) turned her torso away from the wall and towards the officers. The officers again pushed § 87(2)(b)'s torso against the wall. The officers handcuffed § 87(2)(b) and brought her to the 78<sup>th</sup> Precinct stationhouse.

§ 87(2)(b) did not request medical attention while in police custody. She went to § 87(2)(b) later that week because her head hurt. During a follow-up phone statement, § 87(2)(b) recounted that in the weeks following the incident, she suffered from headaches as a result of the officer hitting her head against the wall (BR02).

§ 87(2)(b)'s medical records from § 87(2)(b) indicate that approximately one month before the incident, she reported pain to her head following an assault in which she sustained a blow to her right forehead from someone with a cellphone (BR03);

privileged document). She was ultimately diagnosed with a traumatic brain injury with no loss of consciousness.

The records show that § 87(2)(b) next visited § 87(2)(b) days after the incident. She reported that she had been assaulted and robbed, and she complained of hand pain. She provided no further information about the assault, made no mention of officers, and did not complain of head pain. However, § 87(2)(b) returned to the hospital more than a month after the incident and reported that “cops banged [her] head in” four weeks prior. In fact, she specified that officers struck her head against a police vehicle when they arrested her on March 15. The records indicate that there was no sign of trauma to her head, and that ultimately she was diagnosed with head pain.

Despite extensive efforts, the CCRB was unable to obtain testimony from § 87(2)(b) and § 87(2)(b).

As § 87(2)(b) did not file the complaint until more than a year after the incident, the investigation did not interview officers until approximately 15 months after the incident. The officers’ recollections of the incident varied.

Sgt. Chan recounted that he and other officers escorted § 87(2)(b) to § 87(2)(b)’s door, that § 87(2)(b) opened the door and yelled at the officers, and that § 87(2)(b) identified § 87(2)(b) as his assailant (BR04). He could not recall what she yelled. Sgt. Chan believed that the officers asked § 87(2)(b) to come out into the hallway, that she complied, and that he directed the other officers to arrest her. He did not recall making physical contact with § 87(2)(b).

Sgt. Chan could not remember any of the other officers present during the incident. Sgt. Chan could not recall if any officer ever entered the apartment. He could not remember if the officers asked § 87(2)(b) for permission to enter her apartment, if she invited the officers inside, or if an officer pushed open the apartment door. Similarly, he could not recall if § 87(2)(b) was physically compliant with being handcuffed. He could not recall if officers pushed § 87(2)(b) against a wall, or if an officer pushed her head against a wall.

§ 87(2)(g) PO Grant recounted that Sgt. Chan sent him, PO Ebraheem, and other officers down to § 87(2)(b)’s apartment after interviewing § 87(2)(b) upstairs (BR05). PO Grant recalled that approximately ten officers responded to the incident, but he could not recall their identities. PO Grant knocked on the door and announced that the police were present, and § 87(2)(b) opened the door all the way. PO Grant asked § 87(2)(b) if the officers could enter the apartment, and § 87(2)(b) answered affirmatively. PO Grant and PO Ebraheem entered the apartment, while the other officers remained in the hallway. PO Grant explained § 87(2)(b)’s account of the alleged assault, and § 87(2)(b) denied committing the assault. After § 87(2)(b) identified § 87(2)(b) Sgt. Chan and other officers entered the apartment to handcuff her. § 87(2)(b) stiffened up her arms and refused to be handcuffed. PO Grant held her by one wrist and PO Ebraheem held her by the other. Eventually, § 87(2)(b) complied with PO Grant’s request for her to put her hands behind her back. PO Grant denied that officers pushed § 87(2)(b) against a wall, and he denied that any officer pushed her head against a wall.

PO Grant indicated on the arrest report that no physical force was used during § 87(2)(b)’s apprehension (BR07). A request for TRIs prepared regarding the incident yielded a negative result (BR08).

PO Ebraheem recounted that he, PO Grant, and Sgt. Chan went to § 87(2)(b)’s apartment together after interviewing § 87(2)(b) (BR06). PO Ebraheem could not recall which

other officers were on scene. The officers knocked on the apartment door and § 87(2)(b) opened the door all the way. The officers did not ask § 87(2)(b) to step outside the apartment. At some point after § 87(2)(b) opened the door, Sgt. Chan, PO Grant, and PO Ebraheem entered the apartment all at once. § 87(2)(b) did not verbally invite the officers inside the apartment. § 87(2)(b) stood approximately two feet from the door when the officers entered the apartment and did not block the doorway. § 87(2)(b) used a raised voice to speak, but PO Ebraheem could not remember what she said. PO Grant placed § 87(2)(b) in handcuffs. PO Ebraheem made no physical contact with § 87(2)(b). PO Ebraheem could not recall whether anyone else was involved in handcuffing § 87(2)(b). § 87(2)(b) offered no verbal or physical resistance to being handcuffed. The officers interacted with § 87(2)(b) in the hallway of the apartment, which was about two to three feet wide. PO Ebraheem could not recall if officers pushed § 87(2)(b) against the hallway wall. He denied that any officer pushed § 87(2)(b)'s head against the wall.

§ 87(2)(g)

§ 87(2)(g)

She apparently sustained a head injury shortly before the incident, and she made no mention of a head injury when she visited the hospital ten days after the incident. She did not claim to have sustained a head injury as a result of officers' conduct until more than a month after the incident, and at that time she reported that officers struck her head against a vehicle.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has been party to one CCRB complaint and has been named as a victim in one allegation (BR09):
  - § 87(2)(b)
- Sgt. Chan has been a member of service 13 years and has been a subject in seven CCRB complaints and eight allegations, none of which was substantiated:
  - Sgt. Chan has had two physical force allegations pleaded against him, one of which was closed as complainant uncooperative, and the other of which was closed as exonerated.

- PO Grant has been a member of service for three years and has been a subject in one CCRB complaint and two allegations, neither of which was substantiated. § 87(2)(g)
- PO Ebraheem has been a member of service for two years and this is the first CCRB complaint to which he has been a subject.

**Mediation, Civil, and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- As of August 5, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (BR10).
- According to the Office of Court Administration, § 87(2)(b) has no history of convictions in New York City (BR11).

Squad: 5

Investigator:	_____	_____	_____
	Signature	Print	Date

Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date